



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

JAN 30 2014

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

**Article Number: 7005 3110 0000 5939 9347**

Salah Al Jamal, Chief Executive Officer  
CPD Energy Corp.  
536 Main Street  
New Paltz, NY 12561

**Re: Request for Information Pursuant to Section 9005 of the Solid Waste Disposal Act,  
as amended RCRA-UST-IR-12-022**

Dear Mr. Jamal:

The U.S. Environmental Protection Agency (EPA) is charged with the protection of human health and the environment under the Solid Waste Disposal Act, as amended (often referred to as the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§6901 *et seq.*). On or about March 20, 2012, EPA conducted an underground storage tank inspection of a facility registered to CPD Energy Corp., in accordance with Section 9005(a) of RCRA, 42 U.S.C. §6991d(a), and 40 C.F.R. §280.34. Subsequent to that inspection, EPA inspected other facilities owned and/or operated by CPD Energy Corp., and/or its parent(s), subsidiary(ies) or affiliate(s) (hereinafter "CPD") to determine the facilities compliance with federal regulations at 40 C.F.R. Part 280. EPA issued three prior RCRA 9005 Information Request Letters (IRLs) to CPD to further evaluate the compliance of its UST systems with 40 C.F.R. Part 280. The first IRL dated April 13, 2012, was received by CPD on April 16, 2012. EPA received CPD's response on May 14, 2012. The second IRL dated June 15, 2012, was received by CPD on June 20, 2012. EPA received CPD's response on August 20, 2012. The third IRL dated October 18, 2012, was received by CPD on October 22, 2012. EPA received CPD's response in three parts on December 3, 2012, January 11, 2013 and February 20, 2013, respectively. Upon information and belief, CPD became a new owner and/or operator of UST systems at additional facilities an/or conversely, divested itself of ownership and/or operation of UST systems subsequent to CPD's December 3, 2012 response to EPA's third IRL.

Accordingly, this IRL seeks responses from CPD as to the following: (i) information and documentation on UST systems at facilities which were newly acquired by CPD subsequent to its December 3, 2012 response to EPA's third IRL; (ii) identification of facilities where UST systems are no longer being owned and/or operated by CPD (subsequent to its December 3, 2012 response to EPA's third IRL); (iii) current, up-to-date list of all UST systems and facilities owned and/or operated by CPD; (iv) new information and documentation based on EPA's UST inspections at CPD facilities which were conducted subsequent to CPD's December 3, 2012 response to EPA's third IRL; and (v) information and documentation which was previously requested by EPA in the first three IRLs but which CPD's responses did not include.

You are hereby required, pursuant to Section 9005(a) of RCRA, 42 U.S.C. §6991d(a), and 40 C.F.R. §280.34 to submit the information requested in Enclosure II using the instructions and definitions in Enclosure I. Please provide the information requested no later than **thirty (30) calendar days** from the date of your receipt of this letter. Requests for additional time must be justified, and must be requested in writing and received by EPA within ten (10) calendar days of receipt of this letter. Violation of federal UST regulations may result in a formal enforcement action which can include seeking penalties of up to \$16,000 per UST per day of violation. **Please note that, unless noted otherwise below, the response to all questions should be answered as of the date of your receipt of this IRL.**

The response or request for additional time must be submitted to the following addressee:

Dennis J. McChesney, Ph.D., MBA, Team Leader  
UST Team  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 20th Floor  
New York, NY 10007-1866  
Attn: Peter Misluk

An officer or agent who is authorized to respond on behalf of your facility must complete and sign the attached Certification page (Enclosure III), and return it with your response to this Request for Information.

Subject to 40 C.F.R. Part 2, you may assert a business confidentiality claim covering all or part of the information herein requested. The claim may be asserted by placing on (or attaching to) the information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret", "proprietary", or "company confidential". The claim should set forth the information requested in 40 C.F.R. Section 2.204(e)(4). Information covered by such a claim will be disclosed by EPA only to the extent permitted by, and by means of procedures set forth in, 40 C.F.R. Part 2. EPA may, at its discretion, evaluate the confidentiality claim pursuant to procedures set forth at 40 C.F.R. Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

This Information Request Letter is not subject to the requirements of the Paperwork Reduction Act (PRA), as amended, 44 U.S.C. §§3501 et seq.

Failure to respond to this letter truthfully and accurately within the time provided may subject you to sanctions authorized by federal law. Please also note that all information submitted by you may be used in an administrative, civil judicial, or criminal action. In addition, making a knowing submission of materially false information to the U.S. Government may be a criminal offense.

If you have any questions concerning the information requested please contact Peter Misluk, of my staff, at (212) 637-4229 or by e-mail at [misluk.peter@epa.gov](mailto:misluk.peter@epa.gov). I urge your prompt attention to this matter.

Sincerely,



Leonard Voo, Chief  
RCRA Compliance Branch  
Division of Enforcement and Compliance Assistance

## Enclosures

cc: Russ Brauksieck, Chief  
Facility Compliance Section  
NYS Department of Environmental Conservation  
625 Broadway, 11<sup>th</sup> Floor  
Albany, NY 12233-7250

Mike Hastry, Manager 4 WM  
Bureau of Hazardous Waste &  
UST Compliance Enforcement  
NJ Dept. of Environmental Protection  
Mail Code 09-03 – P.O. Box 420  
Trenton, NJ 08625-0420

J. Carlos Torres, Director  
Office of Environmental Health Risk Control  
Westchester Department of Health  
145 Huguenot Street  
New Rochelle, NY 10801

## ENCLOSURE I

### INSTRUCTIONS AND DEFINITIONS

In responding to this Request for Information, apply the following instructions and definitions:

1. The signatory should be an officer or agent who is authorized to respond on behalf of the company or facility. The signatory must sign the attached Certification of Answers (Enclosure III) and return it with the response to this Request for Information.
2. A complete response must be made to each individual question in this Request for Information. Identify each answer with the number of the question to which it is addressed.
3. In preparing your response to each question, consult with all present and former employees and agents of the company or facility who you have reason to believe may be familiar with the matter to which the question pertains.
4. In answering each question, identify all contributing sources of information.
5. It is your responsibility to try to obtain any information pertinent to any question. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and phone number and the reasons for your belief.
6. If you cannot provide a precise answer to any question, please approximate and state the reason for your inability to be precise.
7. For each document produced in response to this Request for Information, indicate on the document or in some other reasonable manner the number of the question to which it applies.
8. If anything is deleted from a document produced in response to the Request for Information, state the reason for and the subject matter of the deletion.
9. If a document is requested but is not available, state the reason for its unavailability. In addition, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses. **IN THE CASE OF MONTHLY RELEASE DETECTION RECORDS AND TANK AND LINE TESTING OR INSPECTION RECORDS, IF RECORDS ARE NOT AVAILABLE AND NO INFORMATION IS PROVIDED DOCUMENTING THAT THE TEST WAS PERFORMED EPA WILL ASSUME THAT THE TEST WAS NOT PERFORMED.**

10. Underground storage tank or UST shall be defined, for the purposes of this Request for Information, as any one, or combination of tanks (including pipes connected thereto) that is used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is 10 percent or more beneath the surface of the ground. See 40 C.F.R. §280.12.
11. Underground storage tank system or UST system shall be defined, for the purposes of this Request for Information, as an underground storage tank, connected underground piping, underground ancillary equipment, and containment system, if any. See 40 C.F.R. §280.12.
12. A facility, for the purposes of this information gathering, is defined as the property on which USTs are or were previously located.
13. Owner shall be defined, for the purposes of this Request for Information, as any person who owns an UST system used for storage, use, or dispensing of regulated substances. See 40 C.F.R. §280.12.
14. Operator shall be defined, for the purposes of this Request for Information, as any person in control of, or having responsibility for, the daily operation of an UST system. See 40 C.F.R. §280.12.
15. NYSDEC shall be defined as the New York Department of Environmental Conservation.
16. Unless indicated otherwise, the response to all questions should be answered with the most current information as of the date of your receipt of this IRL.
17. Each question must be answered for the federally-regulated UST systems owned or operated by CPD Energy Corp. and/or its parent(s), subsidiary(ies), or affiliate(s) (hereinafter "CPD").

## ENCLOSURE II

### INFORMATION REQUEST

All of the information requested by EPA pertains to federally-regulated UST systems that are owned and/or operated by CPD Energy Corp. (hereinafter "CPD"), and/or its parent(s), subsidiary(ies) or affiliate(s). Please submit the information in the order presented below.

1. Provide a list of all the facilities within the jurisdiction of the United States where federally-regulated UST system(s) are, or were owned and/or operated, by CPD, its parent and affiliates within the five years preceding the date of your response to this IRL.

This list shall include the facilities reported in CPD's response to the Third IRL that was received by EPA on January 11, 2013, and which according to CPD's response, was comprehensive through November 30, 2012, as well as any facilities/UST systems acquired in whole or in part since November 30, 2012. Provide a list of all facilities containing federally regulate UST systems that CPD has divested itself of since November 30, 2012.

For each facility/UST system, indicate the following: (i) the date of acquisition of ownership and/or operational control of the facility/UST system; (ii) the date of divesture or relinquishment of operational control of any facility/UST system; (iii) a copy of the current UST registration and registration application; (iii) the facility name (Middletown Food Mart, Chestnut Mart of Highland, etc.) and brand of product sold (Exxon/Mobil, Sunoco, BP, etc.); (iv) the street address; (v) the number of UST systems at each facility; and (vi) specify owner and/ or operator status, as applicable and the name and address of the owner and/or operator if different from CPD.

**For questions 2 thru 8 in this IRL, unless otherwise instructed, provide the following: information and documentation for each UST system, for facilities where CPD has become an owner and/or operator of UST systems subsequent to November 30, 2012.**

2. Provide the construction material of the tank and piping.
3. Provide the substance stored in the UST (e.g. premium gasoline, regular gasoline, diesel fuel, kerosene, waste oil, etc.).
4. Describe the configuration of the piping and the pumping system employed (European suction, American suction, pressurized, etc.).

#### **Overfill, Spill, and Corrosion Protection**

5. Provide information on the overfill and spill protection procedures and/or equipment used to ensure overfilling and spilling do not occur.
6. If any of the UST(s) are metal, in response to question 2, above, submit documentation of corrosion protection and the last system test.
7. If any of the USTs stores waste oil, please indicate how the UST(s) is filled.

**Leaks and Release detection (Same instructions as for the General UST Information Section)**

8. Provide for each UST the method(s) of release detection used to comply with the release detection regulations found in 40 C.F.R. §280.40 through §280.45, along with:
  - (a) A detailed description of how the release detection method(s) is implemented;
  - (b) Documentation demonstrating that the release detection was implemented during the last 12 months; and
  - (c) If the release detection method is Automatic Tank Gauging (ATG) per 40 C.F.R. §280.43(d), please provide the manufacturer and model of the ATG along with a description of its capabilities.
9. Provide information pertaining to known or suspected releases for all facilities between December 03, 2012, and the date of your response to this IRL, including, at a minimum, the following information:
  - (a) All recorded alarms or other information indicating a suspected or confirmed release from any of the UST systems;
  - (b) Provide the date that suspected or confirmed releases were first identified, and documentation, including the date, of notification to the Implementing Agency.

**Closure (Same instructions as for the General UST Information Section)**

10. If any UST system was temporarily closed or out of service between December 03, 2012 and the date of receipt of this IRL, please provide:
  - (a) The date it was temporary closed or taken out of service;
  - (b) The period of time it was closed or non-operational;
  - (c) Whether the UST system was empty, as defined by 40 C.F.R. §280.70(a), during the period of temporary closure;
  - (d) If the UST system was temporarily closed for more than three months in accordance with (c) above, document compliance with 40 C.F.R. §280.70(b) and the date that compliance was achieved; and
  - (e) If the UST System was temporarily closed for more than twelve (12) months, provide documentation of compliance with 40 C.F.R. §280.70(c) including the date that compliance was achieved.
11. If any UST system is permanently closed, or if there was a change in service from regulated to non-regulated substances, provide:
  - (a) The date of permanent closure or the change in service; and
  - (b) A copy of the site assessment report required by 40 C.F.R. §280.72.

**Financial Responsibility (Provide this information for all facilities owned and/or operated by CPD in the previous five years from the date of receipt of this IRL).**

12. Please provide documentation of compliance with federal regulatory financial responsibility requirements (40 C.F.R. 280 Subpart H) for each UST system which CPD has owned and/or operated, for the previous 5 years, dating from the date of your receipt of this IRL or for the total time CPD has been an owners and/or operator of the UST systems at the facility. Provide a copy of the policy and the date it went into effect for each individual facility. Also include proof of coverage for Third Person Bodily Injury for each facility for the time interval defined in this paragraph.

**The Following Questions relate to information or documentation not available at the time the facility was inspected, or documentation that a deficiency observed during an inspection has been corrected.**

13. The following questions pertain to the UST facility PBS# 3-048003, known as, Mobil, 1050 (1663) Route 9, Wappingers Falls, NY:

EPA Comment: EPA inspected UST systems at this facility on March 7, 2013 and documented that the waste oil tank which had been in Temporary Closure status since the time CPD purchased the facility in January 2011, contained 8.29 inches of petroleum product. EPA's inspector noted that on the date of the inspection, no monthly waste oil tank release detection records for the previous 12 months were available for review, and that the tank fluid level (8.29 inches) was too low for CSLD (Continuous Statistical Leak Detection) testing.

- (a) Provide copies of monthly release detection records for each calendar month for the waste oil tank from January 2011 to the date of your receipt of this IRL.
- (b) Provide documentation that a method of leak detection with the ability to monitor the full range of that portion of the tank that contains product was and is implemented for the waste oil tank, or documentation that the waste oil tank has been temporarily or permanently closed.

14. The following questions pertain to the UST facility PBS# 3-048054, known as Mobil R/S #12048, 290 Route 211 East, Middletown, NY:

EPA Comment: EPA inspected UST systems at this facility on August 28, 2012 and found that there were no release detection records available to review for the previous twelve months for Tanks 1, 2, 3, and 5. CPD's representative, who accompanied the EPA inspector, requested that CPD's UST contractor (who was reportedly on site only by coincidence performing previously scheduled task) to go into the ATG (Automatic Tank Gauge) console history and retrieve the missing leak detection records. The UST contractor attempted to recover the leak detection history without success, and then stated that the history was not recoverable since no CSLD (Continuous Statistical Leak Detection) chip had been installed

in the console, and therefore the ATG system was not capable of performing leak detection on these tanks.

- (a) For the tanks identified in the paragraph immediately above, provide documentation that release detection capabilities have been implemented for Tanks 1, 2, 3, and 5, and the date that this was effective.
- (b) Provide copies of monthly release detection records for Tanks 1, 2, 3, and 5 for the period between August 2012 and the date of your receipt of this IRL.

EPA Comment: During the August 28, 2012 EPA UST inspection, the monthly release detection records for the waste oil tank (Tank 6) were not available for the months of October and November of 2011 and August of 2012. Copies of these records were also requested in the Third IRL, sent by EPA on October 18, 2012, received by CPD on October 22, 2012 with CPD's response received by EPA in three parts on December 3, 2012, January 11, 2013 and February 20, 2013, but were not submitted with CPD's response.

- (c) Provide a copy of the monthly release detection records for the waste oil tank (Tank 6) for the months of October and November of 2011, and August of 2012.
- (d) Provide a copy of the monthly release detection records for the waste oil tank (Tank 6) for the period between August of 2012 and the date of your receipt of this IRL.

**15. The following questions pertain to the UST facility PBS# 3-048682, known as Mobil R/S #10441, 407 White Plains Road, Eastchester, NY:**

EPA Comment: EPA inspected UST systems at this facility on February 11, 2013. Monthly release detection records were not available for review for Tanks 300 and 400 from April 2012 thru October 2012.

- (a) Provide copies of monthly release detection records for Tanks 300 and 400 for the months of April 2012 thru October 2012.
- (b) Provide copies of monthly release detection records for Tanks 300 and 400 for the period from October 2012 thru the date of your receipt of this IRL.

**16. The following questions pertain to the UST facility PBS# 3-048887, known as Mobil R/S # 11741, 425 Boston Post Road, Port Chester, NY:**

EPA Comment: EPA inspected UST systems at this facility on March 20, 2012. At the time of the inspection, corrosion surveys were not available for review. EPA's April 12, 2012 IRL (IRL 1) requested copies of the last two corrosion surveys for any tanks or pipes that were constructed of steel. CPD's response provided results from the two surveys which were conducted prior to the inspection. The first survey, performed by CROMPCO on 12/29/2010, was complete (all metal components requiring Cathodic Protection were tested), and showed

that all the metal components passed. The second survey, performed by CCMI on 11/07/2011, also showed all passing results; however it did not contain any results for the remote fill line for the waste oil tank. A third corrosion survey provided in the First IRL response by CPD, performed by CCMI on 4/30/2012, provided only a passing test for the remote fill pipe for the waste oil tank.

- (a) Provide a copy of a second corrosion test for the waste oil tank remote fill line, performed within the time period between the date of the inspection (03/20/2012) and three years prior to the inspection (03/20/09).

**17. The following questions pertain to the UST facility PBS# 3-049484, known as Mobil R/S# 13174, 142 Tuckahoe Road, Yonkers, NY:**

EPA Comment: EPA inspected UST systems at this facility on June 28, 2012. At the time of the inspection, no liquid status (release detection) records were available for review for any of the tanks (5, 6, 7A or 7B) for the months of July thru October, 2011.

- (a) Provide copies of monthly release detection records for Tanks 5, 6, 7A and 7B for the months of July, August, September and October of 2011.
- (b) Provide copies of monthly release detection records for Tanks 5, 6, 7A and 7B for the time period from June, 2012 thru the date of your receipt of this IRL.

**18. The following questions pertain to the UST facility PBS# 3-171662, known as Mobil Service Station, 891 Saw Mill River Road, Ardsley, NY:**

EPA Comment: EPA inspected UST systems at this facility on September 6, 2012. At the time of the inspection, a review of the liquid status release detection results revealed that the annular space sensor for the diesel fuel tank (Tank 4) had been in the alarm mode from at least July 30, 2011 (the earliest date that records in the book were present) up to and including the date of the inspection, September 6, 2012. Copies of these records were requested at the time of the inspection.

CPD personnel (Edgar Amador and Joseph McCormick) stated that they did not have copying capabilities at the facility but would forward copies in the near future. These copies were never received by EPA. In the third IRL sent by EPA to CPD on October 18, 2012 and received by CPD on October 22, 2012 another request was made for these liquid status monthly release detection records. CPD's response to this IRL did not include the requested records.

- (a) Provide copies of the release detection records for the diesel fuel tank (Tank 4) which were reviewed during the September 6, 2012 inspection (August 2011 – September 2012), showing that the annular space sensor for the diesel fuel tank (Tank 4) had been in the alarm mode from at least July 30, 2011 through the date of the EPA inspection on September 6, 2012.

EPA Comment: While performing the annual facility inspection on February 20, 2012, CCMI (CPD's maintenance contractor) found that the diesel fuel tank annular sensor was in the alarm mode. CCMI notified the Westchester County Department of Health (WCDOH) of a suspected release. WCDOH provided the CCMI representative with the Spill Number (11-13163) that the New York State Department of Conservation assigned to the incident. Upon further investigation, CCMI found that the sensor was in working order and confirmed that product had been released into the annular space. On February 22, 2012 a contractor hired by CPD emptied the diesel fuel tank. CPD then placed the diesel fuel UST system into temporary closure, its status at the time of EPA's inspection.

- (a) Provide documentation of when CPD notified the Implementing Agency of a suspected release.
- (b) Provide documentation of action(s) taken by CPD when the diesel fuel tank annular sensor went into the alarm mode to investigate a suspected release.
- (c) Provide copies of the liquid status monthly release detection records for the diesel fuel tank for the period from September 2012 thru the date of your receipt of this IRL.

**19. The following questions pertain to the UST facility PBS# 3-176524, known as Chestnut Marts, Inc., 170 Saw Mill River Road, Mount Pleasant, NY:**

EPA Comment: EPA inspected UST systems at this facility on September 6, 2012. At the time of the inspection, the EPA inspector observed that the fill port was unsecured on the diesel fuel tank (Tank #7) which was in temporary closure.

The UST systems at the facility were reported to be in temporary closure when the facility was acquired by CPD on June 17, 2009. CPD never upgraded the diesel fuel UST system as required by 40 C.F.R. §280.21(a) and the tank had never been taken out of temporary closure. 40 C.F.R. §280.70(b) requires that when a tank is in temporary closed for three months or more, that all the vent lines be left open and functioning, and that all other lines, pumps, manways, and ancillary equipment be capped and secured.

- (a) Provide documentation showing the date when all lines, pumps, manways and ancillary equipment, with the exception of the vent lines, were capped and secured for the diesel fuel tank (Tank7).

EPA Comment: During the September 6, 2012 inspection at this facility, it was observed that two existing tanks, the waste oil tank (#3) and diesel fuel Tank (#7), had not been replaced, or upgraded to meet standards required by 40 C.F.R. §280.21, and therefore, since the USTs had not been upgraded in accordance with the requirements in 40 C.F.R. 280.21, they were required to be permanently closed after 12 months. As of the date of the inspection, they had not been permanently closed.

- (b) Provide documentation of the date that the waste oil tank and the diesel fuel tank were permanently closed or upgraded.

- (c) Provide current status of the waste oil tank and the diesel fuel tank, and the date(s) if applicable, of any status changes.

**20. The following questions pertain to the UST facility PBS# 3-176710, known as Shell Service Station #100144, 425 Dobbs Ferry Road, Greenburgh, NY:**

EPA Comment: EPA inspected UST systems at this facility on February 6, 2013. A review of the monthly release detection records by the inspector during the inspection found that the CSLD monthly release detection records were not available for review for all the tanks (Tanks 1 & 2 the manifolded regular gasoline tanks, Tank 3 the premium gasoline tank, and Tank 4 the diesel fuel tank) for February 2012, and for the regular gasoline tanks for March of 2012.

- (a) Provide copies of the monthly release detection records for all the tanks for February 2012, and for the Regular gasoline Tanks for March of 2012.
- (b) Provide copies of the monthly release detection records for all the tanks for the period from February 2013 thru the date of your receipt of this IRL.

**21. The following questions pertain to the UST facility PBS# 3-600554, known as Chestnut Mart of Middletown, Inc., 650 Route 211 East, Middletown, NY:**

EPA Comment: EPA inspected UST systems at this facility on August 28, 2012. During the inspection, it was observed from information on the tank registration document that the diesel fuel tank, installed on January 1, 1983, was constructed of bare steel. No documentation was provided during the inspection demonstrating that the tank had been upgraded to meet the performance standards required by 40 C.F.R. §280.21(a)(2) by either adding cathodic protection or relining the tank and performing timely inspections of the lining. CPD's December 3, 2012 response to the IRL (3<sup>rd</sup> IRL issued by EPA to CPD on October 18<sup>th</sup> 2012) provided documentation that the diesel fuel tank was relined on November 18, 1997. 40 C.F.R. §280.21(b)(1)(ii) requires that a relined tank be internally inspected within 10 years after lining, and every 5 years thereafter. Within the same IRL response, CPD provided documentation indicating that an internal lining inspection had been performed on July 30, 2010, more than two and one half years past the ten year anniversary of the lining of the tank.

- (a) Provide documentation of an internal inspection completed prior to the ten year anniversary (November 18, 2007) of the lining of the diesel fuel tank.

**22. The following questions pertain to the UST facility PBS# 3-990119 known as Shell, 75 Dutch Hill Road, Orangeburg, NY:**

EPA Comment: EPA inspected UST systems at this facility on March 13, 2013. A review of the monthly release detection records by the inspector during the inspection found that there were no monthly release detection records available for review for any of the tanks (Tanks 0001, 0002A, 0002B) for the months of March 2012 or May 2012.

- (a) Provide copies of the monthly release detection records for all three tanks (Tanks 0001, 0002A, 0002B) for March 2012 and May of 2012.
- (b) Provide copies of the monthly release detection records for all three tanks (Tanks 0001, 0002A, 0002B) for the period from March 2013 and the date of your receipt of this IRL.

EPA Comment: A review of the monthly release detection records by the inspector during the March 2013 inspection found that there were no monthly line release detection records available to review for the pressure lines servicing Tanks 0001, 0002A or 0002B, nor were there any annual line leak detector test records available for review for the same lines.

- (c) Provide copies of monthly release detection records (or annual line tightness tests covering the same period) for all the lines for the months of February 2012 thru July of 2012, and provide an annual line leak detector test for each line covering the same period.
- (d) Provide copies of monthly release detection records (annual line tightness test or monthly monitoring) for all the lines for the months from March 2013 (or from the date the UST systems were taken out of temporary closure, whichever is later) to the date of your receipt of this IRL, and provide the most recent annual line leak detector test for each line performed prior to the date of your receipt of this IRL.

EPA Comment: EPA inspected UST systems at this facility on March 13, 2013. At the time of the inspection, the facility was closed while it was being remodeled, and the UST systems had been temporarily taken out of service, i.e. they had been placed in temporary closure. The CPD representative stated to the inspector that the tanks had been taken out of service (placed in temporary closure) at the beginning of August 2012. The inspector noted that none of the tank fill ports for any of the tanks had been secured. 40 C.F.R. §280.70(b) requires that when a tank is in temporary closure for three months or more, that all the vent lines be left open and functioning, and that all other lines, pumps, manways, and ancillary equipment be capped and secured, and the date that each was implemented.

- (e) Provide documentation (including the date the work was performed) demonstrating that all lines, pumps, manways and ancillary equipment, with the exception of the vent lines, for all of the tanks, were capped and secured, and the date that each was implemented.

**23. The following questions pertain to the UST facility PBS# 4-485799 known as NECG. #58703, 1372 Union Street, Schenectady, NY:**

EPA Comment: EPA inspected UST systems at this facility on April 9, 2013. A review of the tank release detection records revealed that there were no release detection records available for any of the tanks (Tanks 1, 2, and 3) for the month of April 2012.

- (a) Provide a copy of the monthly release detection records for all of the tanks (Tanks 1, 2, and 3) for April 2012.

- (b) Provide a copy of the monthly release detection records for all of the tanks (Tanks 1, 2, and 3) for the period from April 2013 to the date of your receipt of this IRL.

**24. The following questions pertain to the UST facility 007787 known as NJ Energy Corp. #30115, 101 Bloomfield Ave., Verona, NJ:**

EPA Comment: EPA inspected UST systems at this facility on October 4, 2012. A review of the monthly tank release detection records revealed that there were no records available for the premium gasoline tank, Tank E6, for the months of October and December, 2011, and January, February, and May of 2012.

- (a) Provide a copy of the monthly tank release detection records for the premium gasoline tank, Tank E6, for the months of October and December of 2011, and January, February, and May of 2012.
- (b) Provide a copy of the monthly tank release detection records for the premium gasoline tank, Tank E6, for each month from October, 2012 thru the date of your receipt of this IRL.

**25. The following questions pertain to the UST facility 007799 known as NJ Energy Corp. #32731, 3140 Kennedy Blvd., Jersey City, NJ:**

EPA Comment: EPA inspected UST systems at this facility on October 9, 2012. A review of the monthly tank release detection records revealed that there were no monthly release detection records available for any of the tanks (Tanks E1, E2, and E3) for October 2011 thru March 2012.

- (a) Provide a copy of the monthly release detection records for all of the tanks (Tanks E1, E2, and E3) for the months of October 2011 thru March 2012.
- (b) Provide a copy of the monthly release detection records for all of the tanks (Tanks E1, E2, and E3) for each month for the period from October, 2012 and the date of your receipt of this IRL.

**26. The following questions pertain to the UST facility 007800 known as Exxon R/S 35630, 24 Route 17 North, Hasbrouck Heights, NJ:**

EPA Comment: EPA inspected UST systems at this facility on September 26, 2012. A review of the monthly tank release detection records revealed that there were no release detection records available for any of the tanks (Tanks E5, E6, and E7) for September 2011 thru January 2012.

- (a) Provide a copy of the monthly release detection records for all of the tanks (Tanks E5, E6, and E7) for the months of September 2011 thru January 2012.

- (b) Provide a copy of the monthly release detection records for all of the tanks (Tanks E5, E6, and E7) for each month from of September 2012 thru the date of response to this IRL.

**27. The following questions pertain to the UST facility 008458 known as NJ Energy Corp. #32084, 19 East 33rd St., Paterson, NJ:**

EPA Comment: EPA inspected UST systems at this facility on October 5, 2012. A review of the monthly tank release detection records revealed that there were no release detection records available for either of the tanks (Tanks E5 and E6) for October 2011 thru June 2012.

- (a) Provide a copy of the monthly release detection records for both of the tanks (Tanks E5 and E6) for the months of October 2011 thru June 2012.
- (b) Provide a copy of the monthly release detection records for both of the tanks (Tanks E5 and E6) for each month from October 2012 thru the date of your receipt of this IRL.

**28. The following questions pertain to the UST facility 008626 known as NJ Energy Corp. #36907, 1425 McCarter Hwy., Newark, NJ:**

EPA Comment: EPA inspected UST systems at this facility on October 5, 2012. A review of the monthly tank release detection records revealed that there were no monthly release detection records available for review for the regular gasoline tank for the previous 12 months, and there was no monthly release detection record available for review for the diesel fuel tank for April 2012.

- (a) Provide a copy of the monthly release detection records for the regular gasoline tank for October 2011 thru September 2012, and provide a copy of the monthly release detection record for the diesel fuel tank for April 2012.
- (b) Provide a copy of the monthly release detection records for the regular gasoline tank and the diesel fuel tank for the period from October 2012 to the date of your receipt of this IRL.

**29. The following questions pertain to the UST facility 008646 known as NJ Energy Corp. #38943, 1400 Route 9 South, Old Bridge, NJ:**

EPA Comment: EPA inspected UST systems at this facility on October 2, 2012. A review of the tank monthly release detection records revealed that there were no monthly release detection records available for any of the tanks (Tanks E1, E2, E3, and E4) for the previous twelve months.

- (a) Provide a copy of the monthly release detection records for all of the tanks (Tanks E1, E2, E3, and E4) from October 2011 thru September 2012.

- (b) Provide a copy of the monthly release detection records for all of the tanks (Tanks E1, E2, E3, and E4) from October 2012 thru the date of your receipt of this IRL.

**30. The following questions pertain to the UST facility 008664 known as NJ Energy Corp. #34170, 9 St. George Ave. West, Linden, NJ:**

EPA Comment: EPA inspected UST systems at this facility on October 3, 2012. The CPD representative stated that the USTs at the facility had been put into temporary closure in mid-July 2012. During the inspection it was determined that each of the three tanks, E1, E2, and E3, contained petroleum product (3959, 3145, and 1858 gallons respectively). 40 C.F.R. §280.70(a) requires that if tanks are in temporary closure and contain more than an inch of residue, that release detection must be maintained in accordance with subpart D. There were no monthly release detection records available to review for any of the three tanks for the period that the tanks were in temporary closure (July to October, 2012) or for the period of October 2011 through July 2012 while the facility was still operating.

- (a) Provide a copy of the monthly release detection records for all three tanks (E1, E2, E3) from October 2011 thru July 2012.
- (b) Provide a copy of the monthly release detection records for all three tanks (E1, E2, E3) from July 2012 thru October 2012.
- (c) Provide a copy of the monthly release detection records for all three tanks (E1, E2, E3) from November 2012 to the date of your receipt of this IRL.

EPA Comment: EPA inspected UST systems at this facility on October 3, 2012. The UST systems have pressurized piping which are equipped with automatic line leak detectors. 40 C.F.R. §280.44(a) requires that leak detectors must be tested annually for proper operation in accordance with the manufacture's requirements. During the inspection there were no annual line leak detector test results available for the inspector to review.

- (d) Provide copies of the annual line leak detector test results for each of the UST systems automatic line leak detectors, covering the period from October 2011 thru October 2012.

EPA Comment: An EPA contractor inspected UST systems at this facility on October 3, 2012. 40 C.F.R. §280(b)(1)(ii) requires that for pressurized piping, monthly release detection monitoring must be performed, or an annual line tightness test must be performed, for each line. During the inspection there were no monthly line release detection records to review, nor were there any annual line tightness test results available to review.

- (e) For each pressurized line, provide copies of the monthly line release detection monitoring records for October 2011 thru the date of your receipt of this IRL, or provide copies of the records for that annual line tightness test for each line covering the same period.

**31. The following questions pertain to the UST facility 015226 known as NJ Energy Corp. #30252, 1175 Palisades Ave., Fort Lee, NJ:**

EPA Comment: EPA inspected UST systems at this facility on October 9, 2012. A review of the tank monthly release detection records revealed that there were no records available to review for the month of November 2011 for Tank 0E2 (regular gasoline) or Tank 0E3 (premium gasoline).

- (a) Provide copies of the tank monthly release detection records for Tank 0E2 (regular gasoline) and Tank 0E3 (premium gasoline) for November 2011.
- (b) Provide copies of the tank monthly release detection records for Tank 0E2 (regular gasoline) and Tank 0E3 (premium gasoline) for for the period from October, 2012 and the date of your receipt of this IRL.

**32. The following questions pertain to the UST facility 016932 known as NJ Energy Corp. #39885, 468 Route 17N, Hasbrouck Heights, NJ:**

EPA Comment: EPA inspected UST systems at this facility on October 8, 2012. According the New Jersey Department of Environmental Protection records, the tanks have been in temporary closure since September 9, 2010. 40 C.F.R. §280.70(a) requires that release detection must be performed in accordance with 40 C.F.R. §280 Subpart D for tanks placed in temporary closure which contain more than one inch of residue. Each of the three tanks (E1, E2, and E3) contained residue in excess of one inch. Tank E1 contained 57.5 inches of water and 3.4 inches of product, Tank E2 contained 58.25 inches of water and 0.25 inches of product, and Tank E3 contained 56.25 inches of water with no measurable amount of product present. During the inspection, tank monthly release detection records were not available for review.

- (a) Provide a copy of the monthly release detection records for all three tanks (E1, E2; and E3) for the period from October 2011 thru the date of your receipt of this IRL.

EPA Comment: EPA inspected UST systems at this facility on October 8, 2012. According the New Jersey Department of Environmental Protection records, the tanks (E1, E2, E3) have been in temporary closure since September 9, 2010. 40 C.F.R. §280.70(c) requires that when an UST system is temporarily closed for more than 12 months, if the system has not been upgraded as set forth in 40 C.F.R. §280.21, that the system must be permanently closed.

- (b) Provide documentation that prior to or on September 9, 2011, UST systems (E1, E2, E3) had been upgraded to meet the standards set forth in 40 C.F.R. §280.21 or were permanently closed.

EPA Comment: 40 C.F.R. §280.70(b) requires that when a tank is in temporary closed for three months of more, that all the vent lines be left open and functioning, and that all other

lines, pumps, manways, and ancillary equipment be capped and secured. During the inspection the inspector observed that none of the UST systems (E1, E2, E3) located at this facility met this requirement.

- (c) For all UST systems located at the facility (E1, E2, E3), provide documentation, including the date (s) when each task was performed, demonstrating that all lines, pumps, manways, and ancillary equipment, with the exception of the vent lines, were capped and secured.

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EPA Comment: During the inspection, the EPA contract inspector observed that each tank (E1, E2, and E3) contained substantial (over 50 inches in each) volumes of water (see the first EPA comment for this facility). 40 C.F.R. §280.50(b) requires that “unusual operating conditions”, including the “unexplained presence of water in the tank” require that a suspected release be reported to the implementing agency within 24 hours.

- (d) Provide documentation (including the date) that the suspected release for these tanks (E1, E2, and E3) was reported to the implementing agency.

**33. The following questions pertain to the UST facility 022135 known as NJ Energy Corp. #39847, 470 Route 1 North & Craig St., Edison, NJ:**

EPA Comment: EPA inspected UST systems at this facility on October 3, 2012. At the time of the inspection, tank monthly release detection records were not available for review for 11 of the previous 12 months (September 2012 were available) for any of the tanks (E001, E002, and E003).

- (a) Provide copies of tank monthly release detection records for all three tanks (E001, E002, and E003) for the period October 2011 thru August 2012.
- (c) Provide copies of tank monthly release detection records for all three tanks (E001, E002, and E003) for the period from October 2012 thru the date of your receipt of this IRL.

### **ENCLOSURE III**

#### **CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in response to EPA's Request for Information, and all documents submitted herewith; that the submitted information is true, accurate, and complete; and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

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NAME (PRINT OR TYPE)

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DATE

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SIGNATURE

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TITLE

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COMPANY